

REMARKS/ARGUMENTS

Claims 8, 10-12, 14, and 15 are pending.

Claims 11 and 15 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Matsuoka et al. (US Patent No. 6,563,978) in view of Sansonetti et al. (US Patent No. 6,456,770).

A non-statutory double patenting rejection was based on Matsuoka et al. Filed herewith is a properly executed Terminal Disclaimer to overcome the non-statutory double patenting rejection.

As to the Section 103 rejection, such a rejection is based on Section 102(a), 102(b), 102(e), etc. *MPEP Section 2141.01*. Matsuoka et al. does not qualify as prior art under Section 102(a) or Section 102(e) because the inventors in the instant application are the inventors in the Matsuoka et al. patent. Matsuoka et al. was not patented (May 13, 2003) more than one year prior to filing (March 25, 2004) of the instant application, and so is not prior art under Section 102(b). Since Matsuoka et al. is not proper prior art, the Section 103 rejection is moot.

CONCLUSION

In view of the foregoing, Applicant believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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